

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Don Williams,

Plaintiff,

v.

Case No. 10-CIV-404-RAW

City of Healdton, and Mercy Memorial  
Health Center, Inc.,

Defendants.

---

**ORDER**

Before the court is Plaintiff's Motion to Amend or in the alternative Motion to Dismiss [Docket No. 44]. This case was filed on October 29, 2010 alleging violations of Plaintiff's civil rights.

On November 19, 2010, Plaintiff filed an Amended Complaint [Docket No. 15]. On December 20, 2010, a motion was filed to substitute party defendants [Docket No. 27]. That motion was granted. A Motion to Dismiss was filed by Mercy Memorial Health Center, Inc. on December 30, 2010 [Docket No. 35]. On January 24, 2011, Plaintiff filed a motion to amend [Docket No. 39]. Defendant Mercy Memorial objects to the motion to amend. Again on February 16, 2011, Plaintiff filed an additional motion to amend, or in the alternative if denied, motion to dismiss [Docket No. 44].

Plaintiff's latest motion requests leave to amend. If that relief is denied, Plaintiff indicates he would re-file a new governmental tort claim, and then re-file the lawsuit "joining other plaintiff(s) and 100 Million damages!" Based on its previous objections regarding any

motion to amend, the court believes Defendant Mercy Memorial objects to the latest motion as well.

Plaintiff's motion is granted in part and denied in part. Plaintiff's motion to dismiss [Docket No. 44] is granted. This case is hereby dismissed without prejudice. All remaining pending motions are moot.

Dated this 18th day of February, 2011.

**Dated this 18<sup>th</sup> day of February, 2011.**

A handwritten signature in cursive script, reading "Ronald A. White", written in black ink over a horizontal line.

Ronald A. White  
United States District Judge  
Eastern District of Oklahoma